

FILED
6/21/22 1:40 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:)
DAVID LEE JONES,) **Case No. 17-23561-GLT**
)
) **Chapter 13**
Debtor(s).)
X Related to Dkt. No. 188

ORDER OF COURT
(Check Boxes That Apply)

☒ **Confirming Plan on Final Basis** ☐ **Chapter 13 Plan dated:**

☐ **Authorizing Distributions Under Plan** ☒ **Amended Chapter 13 dated:**
On Interim Basis Solely as Adequate 5/2/22
Protection

IT IS HEREBY ORDERED that the Chapter 13 Plan Payment is \$1,113 effective 8/20.

IT IS HEREBY ORDERED that pursuant to the plan identified above (the "Plan"), as the same may be modified by this Order, the Chapter 13 Trustee is authorized to make distributions to creditors holding allowed claims from available funds on hand. Such distributions shall commence no earlier than the Chapter 13 Trustee's next available distribution date after the first day of the month following the date on which this Order is entered on the Court's docket.

IT IS FURTHER ORDERED that those terms of the Plan which are not expressly modified by this Order shall remain in full force and effect. To the extent any terms and conditions of the Plan are in conflict with this Order, the terms of this Order shall supersede and replace any conflicting terms and conditions of the Plan.

1. Unique Provisions Applicable Only to This Case: *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic monthly Plan payment is amended to be \$993, beginning 7/22. To the extent there is no wage attachment in place or if an existing wage attachment is insufficient to fund the Plan payments, counsel to the Debtor(s) shall within seven (7) days hereof file a wage attachment motion (or motions) to fully fund the Plan payments, or shall sign up for and commence payments under the Trustee's TFS online payment program.

- ☐ B. The length of the Plan is changed to a total of at least ____ months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved.
- ☐ C. To the extent this Order is entered as a form of adequate protection, the Trustee is authorized to distribute to secured and priority creditors with percentage fees payable to the Chapter 13 Trustee on receipt as provided for in 28 U.S.C. §586. ***Continued conciliation conferences before the Trustee or contested hearings before the Court shall proceed on such dates and times as appear on the case docket.*** The Trustee is deemed to have a continuous objection to the Plan until such time the Plan is confirmed on a final basis.

PARTIES ARE REMINDED OF THEIR DUTY TO MONITOR THE COURT'S DOCKET AND ATTEND DULY SCHEDULED HEARINGS. THE PARTIES ARE FURTHER REMINDED OF THEIR DUTY TO MEET AND CONFER AND OTHERWISE ENGAGE IN GOOD FAITH SETTLEMENT NEGOTIATIONS WITH RESPECT TO ANY OBJECTION TO PLAN CONFIRMATION. FAILURE TO COMPLY WITH THESE DUTIES MAY RESULT IN THE IMPOSITION OF SANCTIONS AGAINST THE OFFENDING PARTY.

- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. The following utility creditor _____ shall be paid monthly payments of \$_____ beginning with the Trustee's next distribution and continuing for the duration of the Plan's term, to be applied by that creditor to its administrative claim, ongoing budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim:
- _____
- ☐ H. The secured claims of the following creditors shall govern as to claim amount, to be paid at the modified plan interest rate in a monthly amount to be determined by Trustee to pay the claim in full during the Plan term:
- _____

- ☐ I. The secured claim(s) of the following creditors shall govern as to claim amount, to be paid at the indicated interest rate in a monthly amount to be determined by Trustee to pay in full during the Plan term:
-
- ☐ J. The secured claim(s) of the following creditor(s) shall govern, following all allowed post-petition payment change notices filed of record:
-
- ☒ K. Additional Terms and Conditions:
- Trustee shall place US Bank Trust NA CL. #6 on reserve as it appears it is overpaid from notices filed and not objected to and no declarations filed.
 - The Trustee is authorized to resume payments to debtor attorney fees up to no-look fee & LMP no-look.

2. Deadlines. The following deadlines are hereby established and apply to this case:

A. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates a sale or sales of assets or the recovery of litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

B. Review of Claims Docket and Objections to Claims. Pursuant to *W.P.A.LBR 3021-1(c)(2)*, the Debtor(s) (or Debtor(s)' attorney, if represented), shall review the proofs of claim filed in this case and shall file objections (1) to any disputed timely filed claims within ninety (90) days after the claims bar date, or (2) to any disputed late filed or amended claims within ninety (90) days after the amended and/or late claims are filed and served. Absent a timely objection or further order of the Court, the timely filed proof of claim will govern as to the classification and amount of the claim; provided however, no creditor shall receive a distribution in this case until such time as the relevant allowed claim is provided for in the Plan or any subsequent amended plan.

C. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, and all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

D. Filing Amended Plans or Other Stipulation. Within fourteen (14) days after the Bankruptcy Court resolves the priority of a claim, avoidability of a lien or interest, or extent of a lien, or any objection to claim, the Debtor(s) shall file an Amended Plan or Stipulated Order Modifying Plan to provide for the allowed amount of the lien or claim if the allowed amount and/or treatment differs from the amount and/or treatment stated in the Plan. The Debtor(s) or Counsel for Debtor(s) should inquire with the Chapter 13 Trustee regarding whether an Amended Plan or proposed Stipulated Order Modifying Plan is the preferred course of action. In addition, if after the conclusion of the claims bar date and any associated litigation, the Plan is underfunded,

Debtor(s) shall also file (1) an amended Plan increasing the monthly Plan payment, and (2) a revised wage attachment to provide for the increased funding.

3. Additional Provisions. The following additional provisions apply in this case:

A. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

B. The Trustee shall hold in reserve any distributions under the Plan to any creditor who holds a claim that is provided for in the Plan but which is subject to a duly filed claims objection. Upon entry of further order of the Court, or ultimate allowance of the disputed claim provided for in the Plan, the Trustee may release the reserve and make distribution to the affected creditor. Unless otherwise permitted by separate Order of Court, Trustee shall not commence distributions to unsecured creditors until after the later of the government bar date and a filed notice of an intention to pay claims (the later date being the "Earliest Unsecured Distribution Date"). Trustee may, but has no obligation to, further defer distributions to unsecured creditors until a later date after the Earliest Unsecured Distribution Date.

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor(s)' counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any allowed ***secured claim*** (that is secured by the property subject to the relief from stay order), unless otherwise directed by further Order of Court.

G. The Debtor(s) shall maintain all policies of insurance on all property of the Debtor(s) and this estate as required by law and/or contract.

H. The Debtor(s) shall pay timely all post-confirmation tax liabilities directly to the appropriate taxing authorities as they become due.

Dated: June 21, 2022



Gregory L. Addonio jah
United States Bankruptcy Judge

In re:
David Lee Jones
Debtor

Case No. 17-23561-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Jun 21, 2022

User: auto
Form ID: pdf900

Page 1 of 3
Total Noticed: 27

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
^	Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036.
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 23, 2022:

Recip ID	Recipient Name and Address
db	+ David Lee Jones, 43 Marilou Drive, Jeannette, PA 15644-1077
cr	+ SN Servicing Corporation as Servicer for U.S. Bank, c/o Friedman Vartolo, LLP, 85 Broad Street, Suite 501, New York, NY 10004-1734
cr	+ SN Servicing Corporation as servicer for U.S Bank, c/o Friedman Vartolo, LLP, 1325 Franklin Avenue, Suite 160, Garden City, NY 11530-1631
14687389	Collection Services Center, Corporate Office, P.O. Box 560, New Kensington, PA 15068-0560
14687393	+ Crystal Leah Jones, 214 Locust Street, Penn, PA 15675-9506
14959222	US Bank Trust National Association as trustee of t, P.O. Box 10675, Greenville, SC 29603-0675

TOTAL: 6

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/Text: RASEBN@raslg.com	Jun 22 2022 03:13:00	Citibank N.A., Robertson Anschutz & Schneid, P.L., 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
cr	+ Email/Text: nsm_bk_notices@mrcooper.com	Jun 22 2022 03:13:00	Nationstar Mortgage LLC d/b/a Mr. Cooper, et al, 8950 Cypress Waters Blvd, Coppell, TX 75019-4620
cr	+ Email/Text: ebnpeoples@grblaw.com	Jun 22 2022 03:13:00	Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828
14687385	+ Email/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM	Jun 22 2022 03:14:00	AmeriCredit/GM Financial, Po Box 183853, Arlington, TX 76096-3853
14687386	+ Email/Text: EBN_IndianapolisIMC@receivemorermp.com	Jun 22 2022 03:14:00	Berks Credit & Collections, 900 Corporate Drive, Reading, PA 19605-3340
14687387	+ Email/PDF: AIS.cocard.ebn@aisinfo.com	Jun 22 2022 03:11:41	Capital One, Attn: Bankruptcy, Po Box 30253, Salt Lake City, UT 84130-0253
14753890	+ Email/Text: nsm_bk_notices@mrcooper.com	Jun 22 2022 03:13:00	Citibank, N.A., Nationstar Mortgage LLC d/b/a Mr. Cooper, PO Box 619096, Dallas TX 75261-9096
14687391	+ Email/Text: ebnnotifications@creditacceptance.com	Jun 22 2022 03:13:00	Credit Acceptance, P.O. Box 5142, Southfield, MI 48086-5142
14687390	+ Email/Text: ebnnotifications@creditacceptance.com	Jun 22 2022 03:13:00	Credit Acceptance, 25505 West 12 Mile Rd, Suite 3000, Southfield, MI 48034-8331
14687392	+ Email/PDF: creditonebknotifications@resurgent.com	Jun 22 2022 03:11:34	Credit One Bank Na, Po Box 98873, Las Vegas, NV 89193-8873
14687394	+ Email/Text: bnc-bluestem@quantum3group.com	Jun 22 2022 03:14:00	Fingerhut, 6250 Ridgewood Rd, St Cloud, MN 56303-0820

District/off: 0315-2

User: auto

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Date Rcvd: Jun 21, 2022

Form ID: pdf900

Total Noticed: 27

14687395	+ Email/PDF: ais.fpc.ebn@aisinfo.com	Jun 22 2022 03:11:42	First Premier Bank, 601 S Minnesota Ave, Sioux Falls, SD 57104-4868
14687388	Email/PDF: ais.chase.ebn@aisinfo.com	Jun 22 2022 03:11:31	Chase Automotive Finance, 14800 Frye Road, Ft. Worth, TX 76155
14733988	Email/PDF: ais.chase.ebn@aisinfo.com	Jun 22 2022 03:11:30	JPMorgan Chase Bank, N.A., PO BOX 29505 AZ1-1191, Phoenix, AZ 85038
14748430	Email/PDF: resurgentbknotifications@resurgent.com	Jun 22 2022 03:22:05	LVNV Funding, LLC its successors and assigns as, assignee of FNB, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14687397	+ Email/Text: nsm_bk_notices@mrcooper.com	Jun 22 2022 03:13:00	Nationstar Mortgage, P.O. Box 619098, ATTN: Customer Relations Officer, Dallas, TX 75261-9098
14687396	Email/Text: nsm_bk_notices@mrcooper.com	Jun 22 2022 03:13:00	Nationstar Mortgage, P.O. Box 60516, City of Industry, CA 91716-0516
14725918	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Jun 22 2022 03:11:52	Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
15396708	^ MEBN	Jun 22 2022 03:08:51	U.S. Bank Trust National Association as, Trustee of the Cabana Series III Trust, c/o SN Servicing Corporation, 323 5th Street, Eureka, CA 95501-0305
15396407	^ MEBN	Jun 22 2022 03:08:54	U.S. Bank Trust National Association as Trustee, of the Cabana Series III Trust, c/o SN Servicing Corporation, 323 Fifth Street, Eureka, CA 95501-0305
14986829	+ Email/Text: bankruptcy@bsifinancial.com	Jun 22 2022 03:13:00	U.S. Bank Trust National Association, as Trustee, of Cabana Series III Trust, c/o BSI Financial Services, 1425 Greenway Drive, Ste 400, Irving, TX 75038-2480

TOTAL: 21

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		JPMORGAN CHASE BANK, N.A.
cr		Nationstar Mortgage LLC d/b/a Mr. Cooper
cr		Nationstar Mortgage as servicer for U.S. Bank Nati
cr		U.S. Bank National Association
cr		US BANK TRUST NATIONAL ASSOCIATION AS TRUSTEE OF C
cr	*	US Bank Trust National Association as trustee of t, P.O. Box 10675, Greenville, SC 29603-0675
14687398	##+	Valerie Jones, 221 East Avenue, West Mifflin, PA 15122-3013

TOTAL: 5 Undeliverable, 1 Duplicate, 1 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 23, 2022

Signature: /s/Gustava Winters

District/off: 0315-2

User: auto

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Date Rcvd: Jun 21, 2022

Form ID: pdf900

Total Noticed: 27

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 21, 2022 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor Nationstar Mortgage as servicer for U.S. Bank National Association not in its individual capacity but solely as Trustee NRZ PASS-THROUGH TRUST X bnicholas@kmlawgroup.com
Brian Nicholas	on behalf of Creditor JPMORGAN CHASE BANK N.A. bnicholas@kmlawgroup.com
Brian Nicholas	on behalf of Creditor U.S. Bank National Association bnicholas@kmlawgroup.com
Brian E. Caine	on behalf of Creditor US BANK TRUST NATIONAL ASSOCIATION AS TRUSTEE OF CABANA SERIES III TRUST bcaine@parkermccay.com BKcourtntices@parkermccay.com
David A. Colecchia	on behalf of Debtor David Lee Jones colecchia542@comcast.net dcolecchia@my-lawyers.us;sshiple@my-lawyers.us;skerr@my-lawyers.us;jschantz@my-lawyers.us;rjuliano@my-lawyers.us
Kevin M Buttery	on behalf of Creditor Citibank N.A. kbuttery@rascrane.com
Kevin Scott Frankel	on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper et al pabk@logs.com, logsecf@logs.com
Kristen D. Little	on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper et al logsecf@logs.com
Lauren Moyer	on behalf of Creditor SN Servicing Corporation as Servicer for U.S. Bank Trust National Association as Trustee of the Cabana Series III Trust lmoyer@friedmanvartolo.com bankruptcy@friedmanvartolo.com
Leslie J. Rase, Esq.	on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper et al pabk@logs.com
Lorraine Gazzara Doyle	on behalf of Creditor SN Servicing Corporation as Servicer for U.S. Bank Trust National Association as Trustee of the Cabana Series III Trust lorraine@mvrlaw.com diane@mvrlaw.com;bankruptcy@friedmanvartolo.com
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov
Richard James Tracy, III	on behalf of Creditor SN Servicing Corporation as servicer for U.S Bank Trust National Association As Trustee of Cabana Series III Trust richard.tracy.iii@gmail.com
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com
S. James Wallace	on behalf of Creditor Peoples Natural Gas Company LLC ecfpeoples@grblaw.com Equitablebankruptcy@peoples-gas.com
Stephen Russell Franks	on behalf of Creditor U.S. Bank National Association amps@manleydeas.com

TOTAL: 16